



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13

August 13, 2001

In re Application of: Blissard *et al.*
Serial No. 09/518,763
Filed: 3/3/00
For: **STABLE CELL LINES RESISTANT TO APOPTOSIS AND
NUTRIENT STRESS AND METHODS OF MAKING SAME**
Examiner: Guzo, D.
Art Unit: 1636
Attorney Docket No.: BTI-44

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DECLARATION TO SUPPORT DEPOSIT OF BIOLOGICAL MATERIAL

HONORABLE COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

I, Thomas T. Aquilla, hereby declare:

1. That I am an attorney of record for the applicant and for the assignee of the subject application, STABLE CELL LINES RESISTANT TO APOPTOSIS AND NUTRIENT STRESS AND METHODS OF MAKING SAME.

2. That two cell lines designated BTI-Sf9-P35AcV5-1 and BTI-Sf9-P35AcV5-3 are on deposit with American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110-2209, under accession No. PTA-3099 and PTO-3100. The biological material which is deposited is a biological material specifically identified in the application as filed.

3. That the deposit referred to in paragraph 2 herein were made under the terms of the Budapest Treaty, and in full compliance with 37 C.F.R. §1.14 and 35 U.S.C. §122, as evidenced by the attached receipt.

4. That during the pendency of this application, access to the invention deposits will be afforded to the Commissioner upon request.

5. That all restrictions upon availability to the public will be irrevocably removed upon granting of the patent.

6. That the deposit will be maintained in a public depository for the period of 30 years or 5 years after the last request or the effective life of the patent, whichever is longer.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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